

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue**

REGULAR MEETING

November 8, 2007

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular meeting of October 25, 2007

2. PRESENTATION

Update from School Liaison Mack McLaughlin

3. FIRST READING OF PROPOSED ORDINANCES

A. **Ordinance 07-61:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR REGULATION OF LAWN AND TURF FERTILIZATION; PROVIDING FOR GEOGRAPHIC JURISDICTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING A SEVERANCE AND AN EFFECTIVE DATE - **with the Second Reading and Public Hearing being scheduled for December 13, 2007** – City Manager Bollhoefer

B. **Ordinance 07-62:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 66-1 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO INCREASE THE ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGE 65 AND OLDER; DEMANDING THE ORDINANCE BE DELIVERED TO PROPERTY APPRAISER BEFORE DECEMBER 1, 2007 AND REQUIRING NOTICE TO THE PROPERTY APPRAISER IN THE EVENT THE ORDINANCE IS REPEALED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. - **with the Second Reading and Public Hearing being scheduled for December 13, 2007**– City Manager Bollhoefer

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 07-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.428 ± ACRES LOCATED AT 1225 N. WEST CROWN POINT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for December 13, 2007** – City Planner Williams

B. **Ordinance 07-49:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW

DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.428 ± ACRES LOCATED AT 1225 N. WEST CROWN POINT ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for December 13, 2007** – City Planner Williams

- C. **Ordinance 07-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.428 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1225 N. WEST CROWN POINT ROAD FROM ORANGE COUNTY RESIDENTIAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for December 13, 2007** – City Planner Williams
 - D. **Ordinance 07-56:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for December 13, 2007** – City Planner Williams
 - E. **Ordinance 07-57:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.41 ACRE PROPERTY LOCATED AT 21 AND 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for December 13, 2007** – City Planner Williams
 - F. **Ordinance 07-58:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.907 ACRES LOCATED AT 933 CARTER ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*staff is requesting postponement*) – City Planner Williams
 - G. **Ordinance 07-59:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY INDUSTRIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.907 ACRES LOCATED AT 933 CARTER ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*staff is requesting postponement*) – City Planner Williams
 - H. **Ordinance 07-60:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.907 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 933 CARTER ROAD FROM ORANGE COUNTY CITRUS RURAL TO CITY I-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*staff is requesting postponement*) – City Planner Williams
5. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**
- A. **Ordinance 07-51:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION

OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – City Planner Williams

- B. **Ordinance 07-52:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – City Planner Williams
- C. **Ordinance 07-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 4.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 510 WINTER GARDEN-VINELAND ROAD FROM ORANGE COUNTY CITRUS RURAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – City Planner Williams

6. **REGULAR BUSINESS**

- A. Request by Severt's Trees for a temporary open-air sales vendor license, with tent, to sell Christmas trees from November 24, 2007 to December 24, 2007 (31 days) at 14101 W. Colonial adjacent to AmSouth Bank – Mike Severt
- B. Request by Alpha Focal Point for a temporary open-air sales vendor license, with tent, to sell Christmas trees, lighted sculptures, and poinsettias from November 15, 2007 to December 24, 2007 (40 days) at 14811 W. Colonial – Richard Mazzula
- C. Request by Lowe's Inc. for a temporary open-air vendor license, with tent, to sell Christmas trees from November 20, 2007 to December 27, 2007 (37 days) at 3391 Daniels Road – Carla Lacy
- D. Recommendation to approve final plat for Stoneybrook Mini-Storage located on Avalon Road – City Planner Williams
- E. Recommendation to approve the final plat for Walker's Grove Townhomes located on West Bay Street – City Planner Williams
- F. Recommendation to approve a development agreement for Zion Lutheran Church located on Marsh Road – City Planner Williams
- G. Recommendation to approve a construction contract with BRPH Construction Services, Inc. in the amount of \$1,874,772 and a ten percent contingency for the construction of Fire Station #22 – Assistant City Manager Robertson
- H. **Resolution 07-09:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA DESIGNATING THE CITY MANAGER AND THE ECONOMIC DEVELOPMENT DIRECTOR AS THE OFFICIAL REPRESENTATIVES OF THE CITY OF WINTER GARDEN AUTHORIZED TO RECEIVE AND DISTRIBUTE CONFIDENTIAL INFORMATION PURSUANT TO SECTION 288.075 FLORIDA STATUTES RELATING TO PLANS, INTENTIONS OR INTEREST OF A PRIVATE CORPORATION, PARTNERSHIP OR PERSON TO LOCATE, RELOCATE OR EXPAND ANY OF ITS BUSINESS ACTIVITIES IN THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE – Economic Development Director Key
- I. **Resolution 07-10:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA TO THE FLORIDA DEPARTMENT OF TRANSPORTATION REQUESTING TRANSFER OF A PORTION OF SR 438/PLANT STREET FROM SR 537/DILLARD STREET TO SR 429 FROM THE STATE HIGHWAY SYSTEM TO THE CITY ROADWAY SYSTEM; PROVIDING TRANSFER; PROVIDING AUTHORIZATIONS;

PROVIDING WAIVER OF HEARING; PROVIDING FOR AN EFFECTIVE DATE. – City Manager Bollhoefer

- J. Discussion and possible action to renew the Orange County Public Schools agreement for the School Resource Officer Program– Police Chief Brennan
- K. Election agreements with the Orange County Supervisor of Elections for the 2008 General and any Runoff election – City Clerk Golden

7. MATTERS FROM CITIZENS

8. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

9. MATTERS FROM CITY MANAGER – Mike Bollhoefer

- A. Request for wavier of rental fees and damage deposit for using Tanner Hall by the West Orange Neighborhood Center for Families (non-profit) – Dennis McCalister

10. MATTERS FROM MAYOR AND COMMISSIONERS

11. ADJOURN to a regular City Commission meeting on December 13, 2007

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 07-61

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR REGULATION OF LAWN AND TURF FERTILIZATION; PROVIDING FOR GEOGRAPHIC JURISDICTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida has identified preservation of the lakes within the City as critical to maintaining the City's charm and quality of life; and

WHEREAS, phosphorous is commonly used in various forms of fertilizers for lawn and turf application; and

WHEREAS, use of fertilizers containing phosphorous causes overgrowth of vegetation and algae in natural and artificial water bodies and basins; and

WHEREAS, such overgrowth of vegetation and algae damages the natural environment; and

WHEREAS, there is a need by the City to restrict the use of phosphorous fertilizers to minimize the damage to lakes caused by said fertilizers; and

WHEREAS, said regulation would properly act to protect the health, safety, property and welfare of the citizens of and visitors to the City; and

WHEREAS, the City recognizes that regulating fertilizer by type would be relatively more effective than regulating by amount.

THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Facts and Purpose:

- (A) Facts. The above "Whereas" clauses are hereby duly found facts of this City Commission, and are incorporated herein.
- (B) Purpose. The purpose of this Ordinance, in agreement with the Facts, is to provide regulation of phosphorous-based fertilizers in order to minimize the negative effect said fertilizers have on the lakes within the City.

SECTION 2: Definitions:

- (A) "Commercial Fertilizer Service" shall mean and refer any company or individual which, as any part of the services it provides to customers, applies fertilizers to any lawn or turf areas within the City Limits of Winter Garden.
- (B) "Person" shall mean and refer to any living person.

SECTION 3: Jurisdiction: This Ordinance shall apply to and be effective in all areas of the City of Winter Garden.

SECTION 4: General Provisions:

- (A) Limitation on Use of Phosphorous-based Fertilizers. The use of lawn fertilizers containing more than 3% phosphorous within the City of Winter Garden is hereby prohibited, commencing ninety (90) days from the effective date of this

Ordinance. The City Clerk shall maintain a list of available brands of phosphorous free and low-phosphorous fertilizer, as well as retail and wholesale outlets where such fertilizer may be purchased. Such list shall be updated annually and be made available upon request to City residents and Commercial Fertilizer Services.

- (B) Notice to Residents and Commercial Fertilizer Services. Notice of this limitation shall be given by regular U.S. Mail to all residents within the City of Winter Garden and also to all Commercial Fertilizer Services identified by the City Clerk, after reasonable investigation, to be doing business within the City limits. Furthermore, notice of this regulation shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the West Orange County area.
- (C) Registration of Commercial Fertilizer Services. Every Commercial Fertilizer Service doing business in the City of Winter Garden shall be required to register with the City to insure its compliance with the terms of this Section. The cost of such registration shall be \$25.00 annually, which fee shall be used to help defray the costs associated with administration and enforcement of this Ordinance. Registration shall be coordinated through the Office of the City Manager.

SECTION 5: Enforcement and Penalties:

- (A) Any Person or Commercial Fertilizer Service violating any of the provisions of this Ordinance (a "violator") shall receive a written notice from the City describing such non-compliance or violation. In the event such person or Commercial Fertilizer Service does not immediately cease such violation within thirty (30) days after receipt of such notice, said violator shall be subject to a fine of up to Five Hundred Dollars (\$500.00) for each such subsequent violation. Alternatively any such violator shall be subject to Code Enforcement proceedings and penalties provided by City Code in such cases.
- (B) Alternatively, this Ordinance may be enforced by any method prescribed by law, including injunctive relief and the provision of Chapter 162, Florida Statutes, and any ordinances enacted thereunder.
- (C) The City Manager, or his/her designee, is authorized to conduct an administrative search of any vehicle, container or equipment used or to be used for fertilizing, when such vehicle, container or other equipment is in the City of Winter Garden. Said administrative search may include the taking of a sample of any solid or fluid intended for use as a fertilizer, and shall be limited in scope to determine what type(s) of fertilizer chemicals are present. Any person equipped and with the intent to provide fertilizing, shall be deemed to have consented to the administrative search described in this paragraph while in the City of Winter Garden. In the event that any request for an administrative search is refused, the City Manager, or his/her designee, may apply for, obtain and execute an inspection warrant in accordance with the procedures set forth in Chapter 933, Florida Statutes.

SECTION 6: Public Nuisance Declaration: Any violation of this Ordinance is hereby deemed to be a public nuisance and may be abated or enjoined by the City Manager or his/her designee, irrespective of any other remedy herein provided.

SECTION 7: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of

competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 8: **Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2007.

ADOPTED this _____ day of _____, 2007, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-62

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 66-1 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO INCREASE THE ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGE 65 AND OLDER; DEMANDING THE ORDINANCE BE DELIVERED TO PROPERTY APPRAISER BEFORE DECEMBER 1, 2007 AND REQUIRING NOTICE TO THE PROPERTY APPRAISER IN THE EVENT THE ORDINANCE IS REPEALED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the November, 2006 general election, Florida voters authorized counties and municipalities to grant additional homestead tax exemption to certain persons 65 years of age and older; and

WHEREAS, by Chapter Law 2007-4, the Florida Legislature amended Section 196.075(2), Florida Statutes giving the governing authority of any county or municipality the power to adopt an ordinance to allow an additional homestead exemption of up to \$50,000 for any person who as the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$24,214; and

WHEREAS, the City of Winter Garden, Florida wishes to exercise such power and consider the enactment of an ordinance granting the additional homestead exemption to qualified residents of the City of Winter Garden, with the intent that a copy of this ordinance enacted under Section 196.075, Florida Statutes, be delivered to the Orange County Property Appraiser no later than December 1, 2007, allowing the exemption to take effect.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City of Winter Garden has the authority to adopt this Ordinance pursuant to Section 6(f), Article VII of the Constitution of the State of Florida and Chapters 166 and 196, Florida Statutes.

SECTION 2: Adoption. Section 66-1 of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken-out~~ are deletions; words that are underlined are additions):

Sec. 66-1 Homestead exemption for persons age 65 or older.

(c) *Additional homestead exemption.* There is hereby granted an additional homestead exemption of ~~\$25,000.00~~ \$50,000.00 for any person who has the legal or equitable title to real estate in the city limits and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed ~~\$21,599.00~~ \$24,214.00 in ~~2002~~ 2007. If title is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

SECTION 3: Delivery to Property Appraiser; Event of Repeal. Once enacted, a copy of this ordinance shall be delivered to the Orange County Property Appraiser no later than December 1, 2007, allowing the exemption to begin. In the event this ordinance is ever repealed, the City shall notify the Orange County Property Appraiser no later than December of the year prior to the year the exemption expires.

SECTION 4: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 5: Severability and Conflicts: If any provision of this Ordinance is held invalid or unconstitutional, then such holding shall not effect the other provisions herein that can be given effect without the invalid or unconstitutional provision and such other provisions shall remain in full force and effect. Furthermore, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____, 2007.

SECOND READING AND PUBLIC HEARING: _____, 2007.

ADOPTED this _____ day of _____, 2007, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-48

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.428 ± ACRES LOCATED AT 1225 N. WEST CROWN POINT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 1.428 ± acres located at 1225 N. West Crown Point Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

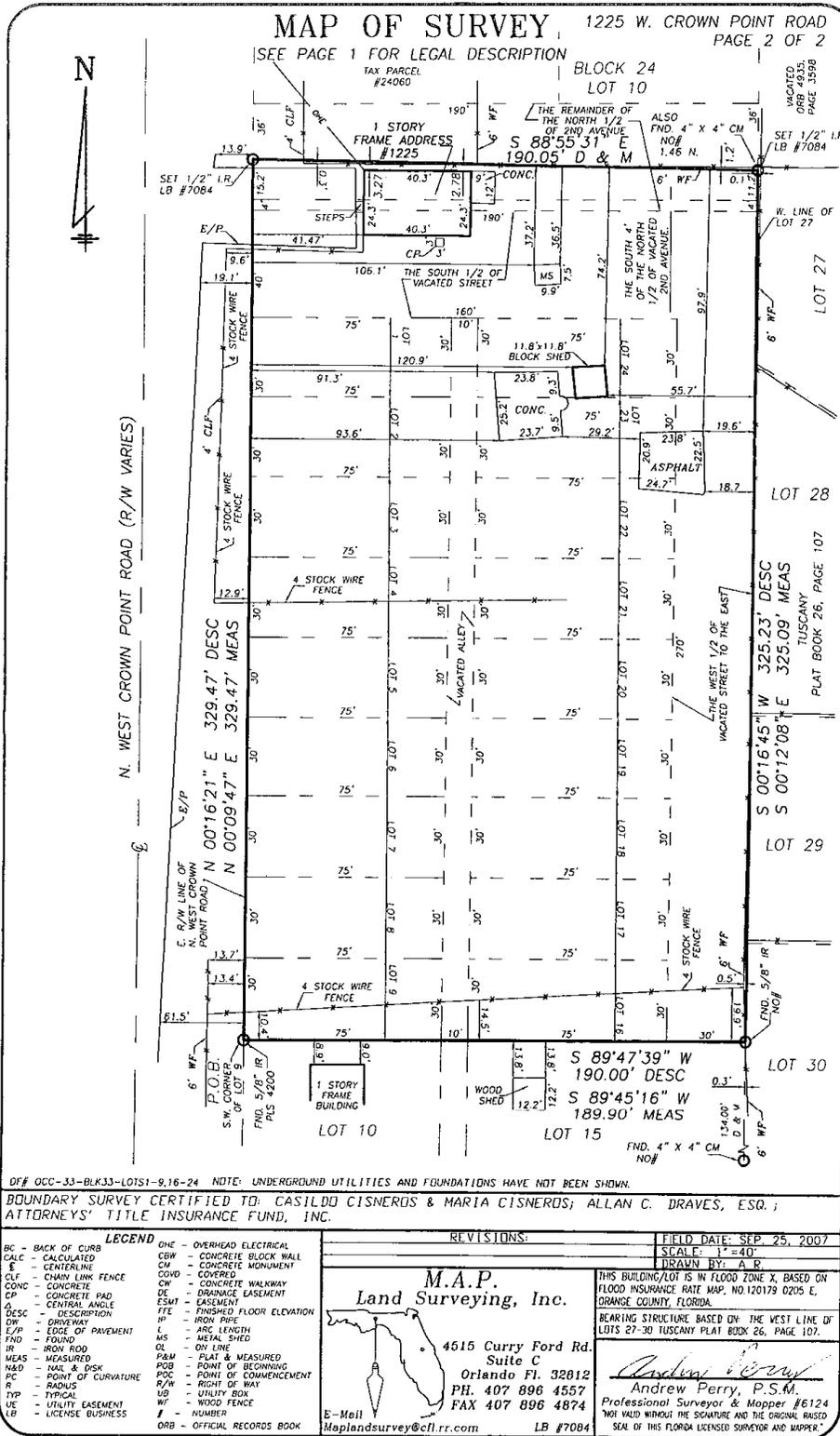
APPROVED:

ATTEST:

JACK QUESINBERRY, Mayor/Commissioner

KATHY GOLDEN, City Clerk

Attachment "A"



MAP OF SURVEY
DESCRIPTION

1225 W. CROWN POINT ROAD
PAGE 1 OF 2

ALL OF BLOCK 33 AND THE SOUTH 1/2 OF VACATED STREET ON THE NORTH (LESS LOTS 10 THROUGH 15) AND THE WEST 1/2 OF VACATED STREET ON THE EAST (LESS THOSE EAST OF LOTS 13 THROUGH 15) AND THE SOUTH 4 FT. OF THE NORTH 1/2 OF VACATED 2ND AVE. LYING EAST OF RAILROAD RIGHT-OF-WAY AND EXTENDING IN THE WEST 1/2 OF VACATED 6TH STREET LYING BETWEEN BLOCKS 24 AND 33, IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, OF THE TOWN OF CROWN POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK C, PAGE 33, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; TOGETHER WITH A PORTION OF THE NORTH 1/2 OF VACATED 2ND AVENUE.

MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF LOT 9, BLOCK 33, THE TOWN OF CROWN POINT, AS RECORDED IN PLAT BOOK C, PAGE 33, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N 00°16'21" E ALONG THE EAST RIGHT OF WAY LINE OF N. WEST CROWN POINT ROAD A DISTANCE OF 329.47'; THENCE S 88°55'31" E A DISTANCE OF 190.05' TO THE WEST LINE OF LOT 27, TUSCANY, AS RECORDED IN PLAT BOOK 26, PAGE 107, THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S 00°16'45" W ALONG THE WEST LINE OF SAID TUSCANY PLAT A DISTANCE OF 325.23'; THENCE S 89°47'39" W A DISTANCE OF 190.00' TO THE POINT OF BEGINNING.

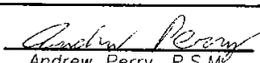
CONTAINING 62201 SQUARE FEET OR 1.428 ACRES MORE OR LESS.

DF# OCC-33-BLK33-LOTS1-9,16-24

BOUNDARY SURVEY CERTIFIED TO: CASILDO CISNEROS & MARIA CISNEROS; ALLAN C. DRAVES, ESQ.; ATTORNEYS' TITLE INSURANCE FUND, INC.

LEGEND		REVISED:	FIELD DATE: SEP. 25, 2007
BC - BACK OF CURB	OHE - OVERHEAD ELECTRICAL		DRAWN BY: A.R.
CALC - CALCULATED	CBW - CONCRETE BLOCK WALL		
C - CENTERLINE	CM - CONCRETE MONUMENT		
CLF - CHAIN LINK FENCE	COVD - COVERED		
CONC - CONCRETE	CW - CONCRETE WALKWAY		
CP - CONCRETE PAD	DE - DRAINAGE EASEMENT		
CA - CENTRAL ANGLE	ESMT - EASEMENT		
DESC - DESCRIPTION	FE - FINISHED FLOOR ELEVATION		
DW - DRIVEWAY	IP - IRON PIPE		
E/P - EDGE OF PAVEMENT	L - ARC LENGTH		
FND - FOUND	MS - METAL SHED		
IR - IRON ROD	OL - ON LINE		
MEAS - MEASURED	P&M - PLAT & MEASURED		
MBD - WALL & DISK	POB - POINT OF BEGINNING		
PC - POINT OF CURVATURE	POC - POINT OF COMMENCEMENT		
R - RADIUS	R/W - RIGHT OF WAY		
TYP - TYPICAL	UB - UTILITY BOX		
UE - UTILITY EASEMENT	WF - WOOD FENCE		
LB - LICENSE BUSINESS	# - NUMBER		
	ORB - OFFICIAL RECORDS BOOK		

M.A.P. Land Surveying, Inc.	
	4515 Curry Ford Rd. Suite C Orlando Fl. 32812 PH. 407 896 4557 FAX 407 896 4874
E-Mail: Maplandsurvey@cfi.fl.com LB #7084	

 Andrew Perry, P.S.M. Professional Surveyor & Mapper #6124 <small>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.</small>
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ORDINANCE 07-49

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.428 ± ACRES LOCATED AT 1225 N. WEST CROWN POINT ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 1.428 ± acres located at 1225 N. West Crown Point Road have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "ORANGE COUNTY LOW DENSITY RESIDENTIAL" to "CITY LOW DENSITY RESIDENTIAL", and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with Exhibit "A".

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,

or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

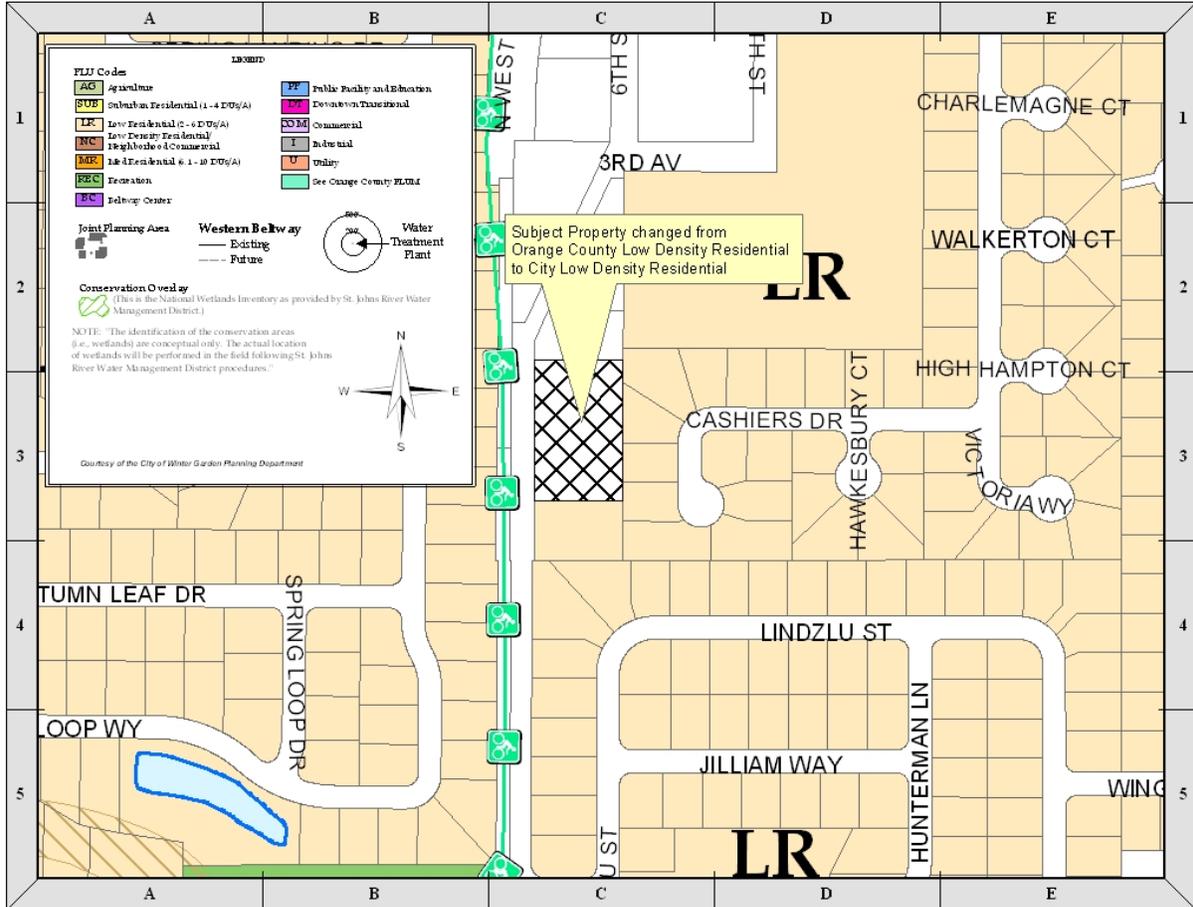
APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"



ORDINANCE 07-50

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.428 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1225 N. WEST CROWN POINT ROAD FROM ORANGE COUNTY RESIDENTIAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.428 ± acres located at 1225 N. West Crown Point Road and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County Citrus Residential to the City R-1 zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County Residential to City R-1 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

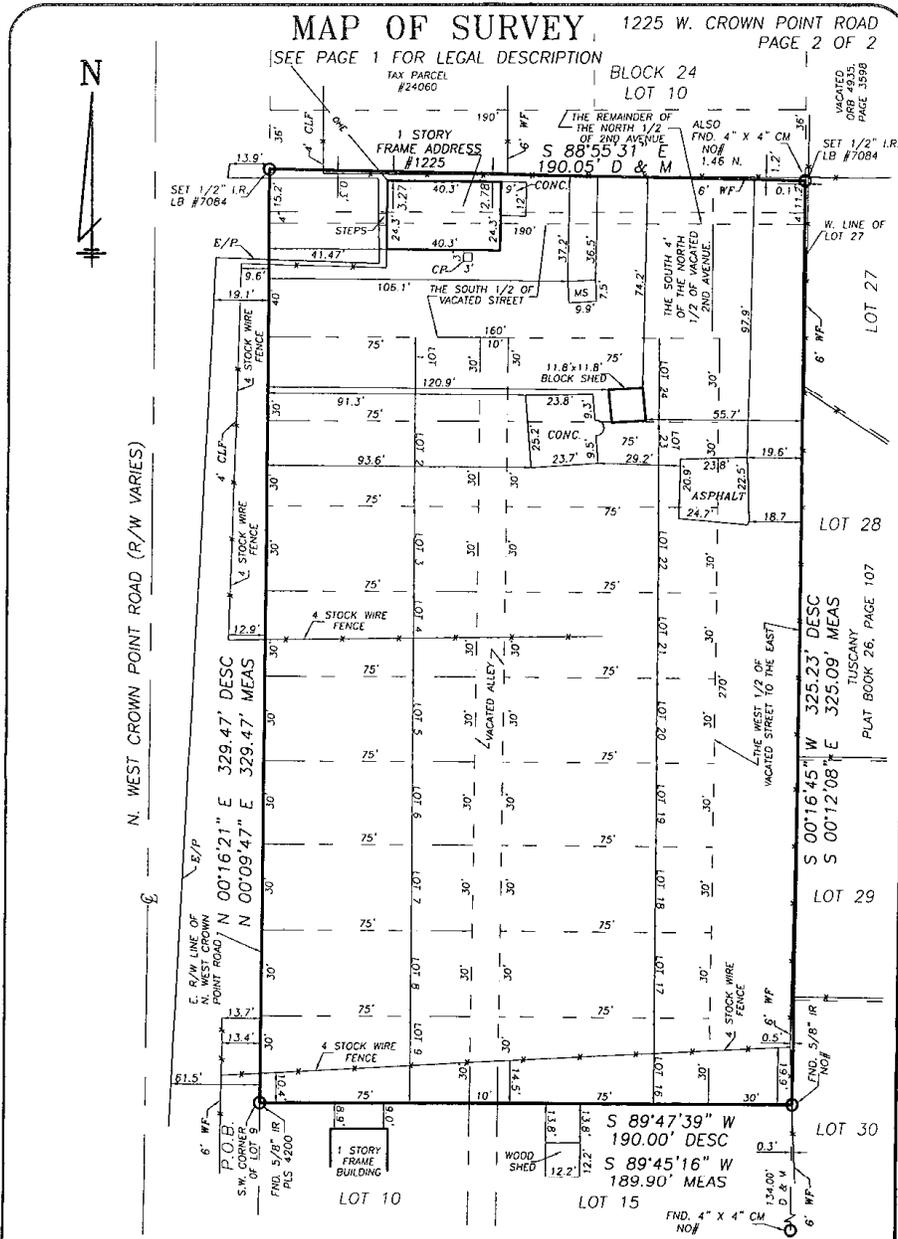
APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Attachment "A"



DIFF OCC-33-BLK33-LOIS1-9,16-24 NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

BOUNDARY SURVEY CERTIFIED TO: CASILDO CISNEROS & MARIA CISNEROS; ALLAN C. DRAVES, ESO.; ATTORNEYS' TITLE INSURANCE FUND, INC.

LEGEND

BC - BACK OF CURB	CALC - CALCULATED	CLF - CHAIN LINK FENCE	CONC - CONCRETE	CP - CONCRETE PAD	CA - CENTRAL ANGLE	DESC - DESCRIPTION	DW - DRIVEWAY	EDP - EDGE OF PAVEMENT	FND - FOUND	IR - IRON ROD	MEAS - MEASURED	M&D - MAIL & DISK	PC - POINT OF CURVATURE	R - RADIUS	TYP - TYPICAL	UE - UTILITY EASEMENT	LB - LICENSE BUSINESS	
OHE - OVERHEAD ELECTRICAL	CBW - CONCRETE BLOCK WALL	CM - CONCRETE MONUMENT	COVD - COVERED	CH - CONCRETE HAWKWAY	DE - DRAINAGE EASEMENT	ESMT - EASEMENT	FTE - FINISHED FLOOR ELEVATION	IP - IRON PIPE	L - ARC LENGTH	MS - METAL SHED	OL - ON LINE	P&M - PLAT & MEASURED	POB - POINT OF BEGINNING	POK - POINT OF COMMENCEMENT	RF - RIGHT OF WAY	UB - UTILITY BOX	WF - WOOD FENCE	N - NUMBER
ORB - OFFICIAL RECORDS BOOK																		

M.A.P. Land Surveying, Inc.

4615 Curry Ford Rd.
 Suite C
 Orlando FL 32812
 PH. 407 896 4557
 FAX 407 896 4874

E-Mail: Maplandsurvey@clf.rr.com LB #7084

REVISONS:

FIELD DATE: SEP. 25, 2007
 SCALE: 1" = 40'
 DRAWN BY: A.R.

THIS BUILDING/LOT IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO.120179 0205 E, ORANGE COUNTY, FLORIDA.

BEARING STRUCTURE BASED ON THE WEST LINE OF LOTS 27-30 TUSCANY PLAT BOOK 26, PAGE 107.

Andrew Perry
 Andrew Perry, P.S.M.
 Professional Surveyor & Mapper #6124
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

ORDINANCE 07-56

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE. (21 & 35 Broad Street SSCPA)

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 0.41 acres located at 21 and 35 Broad Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from Low Density Residential to Neighborhood Commercial, and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with ATTACHMENT A.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (iii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,

or

- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or
- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

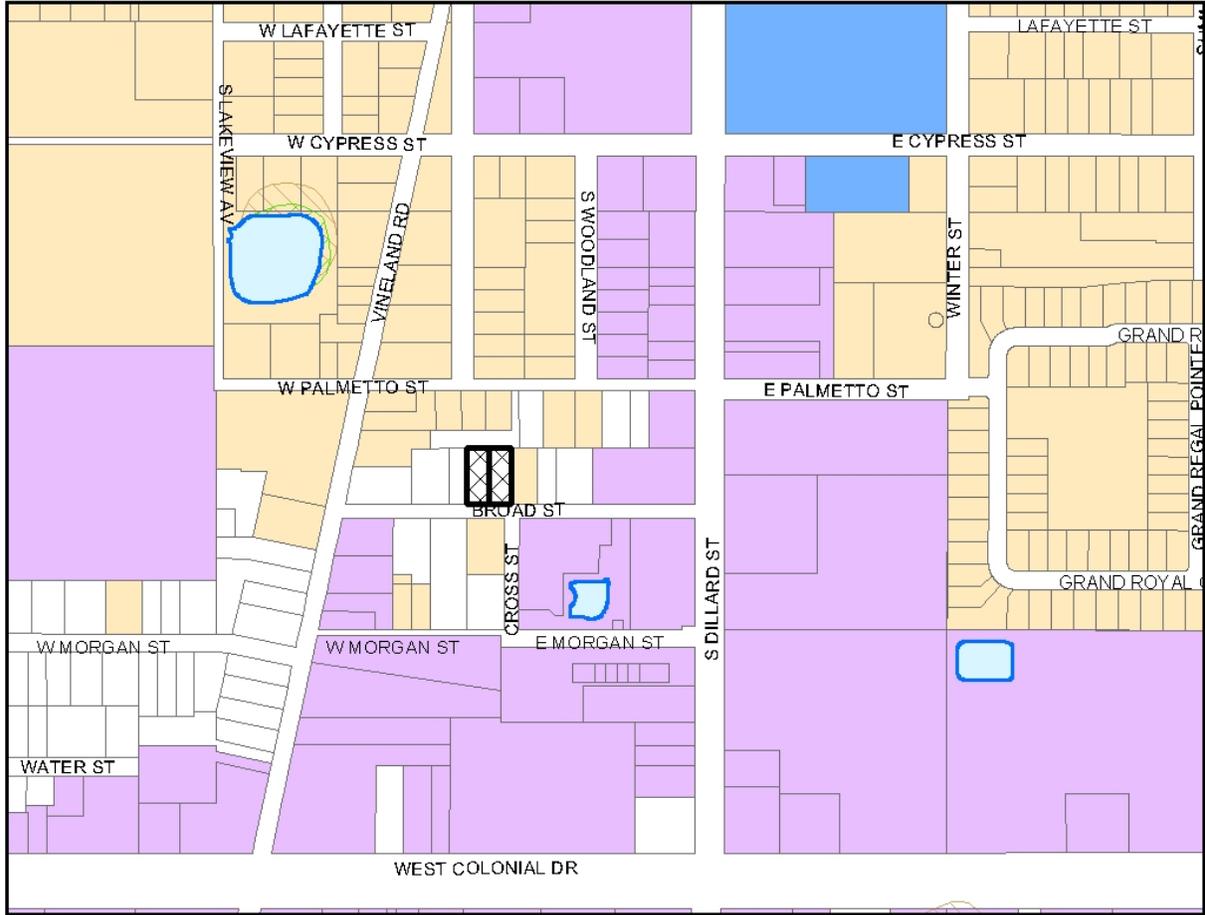
APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(21 & 35 Broad Street _ sscpa ord 11/2/2007)

Exhibit "A"



ORDINANCE 07-57

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.41 ACRE PROPERTY LOCATED AT 21 & 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (21 & 35 Broad Street Rezoning)

WHEREAS, the owner of real property generally described as 0.41 acres located at 21 and 35 Broad Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to City R-NC zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from City R-2 to City R-NC in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

ORDINANCE 07-51

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 4.06 ± acres located at 510 Winter Garden – Vineland Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: October 25, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: November 8, 2007.

APPROVED:

ATTEST:

JACK QUESINBERRY, Mayor/Commissioner

KATHY GOLDEN, City Clerk

ORDINANCE 07-52

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 4.06 ± acres located at 510 Winter Garden – Vineland Road have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from “ORANGE COUNTY RURAL” to “CITY LOW DENSITY RESIDENTIAL”, and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with Exhibit “A”.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

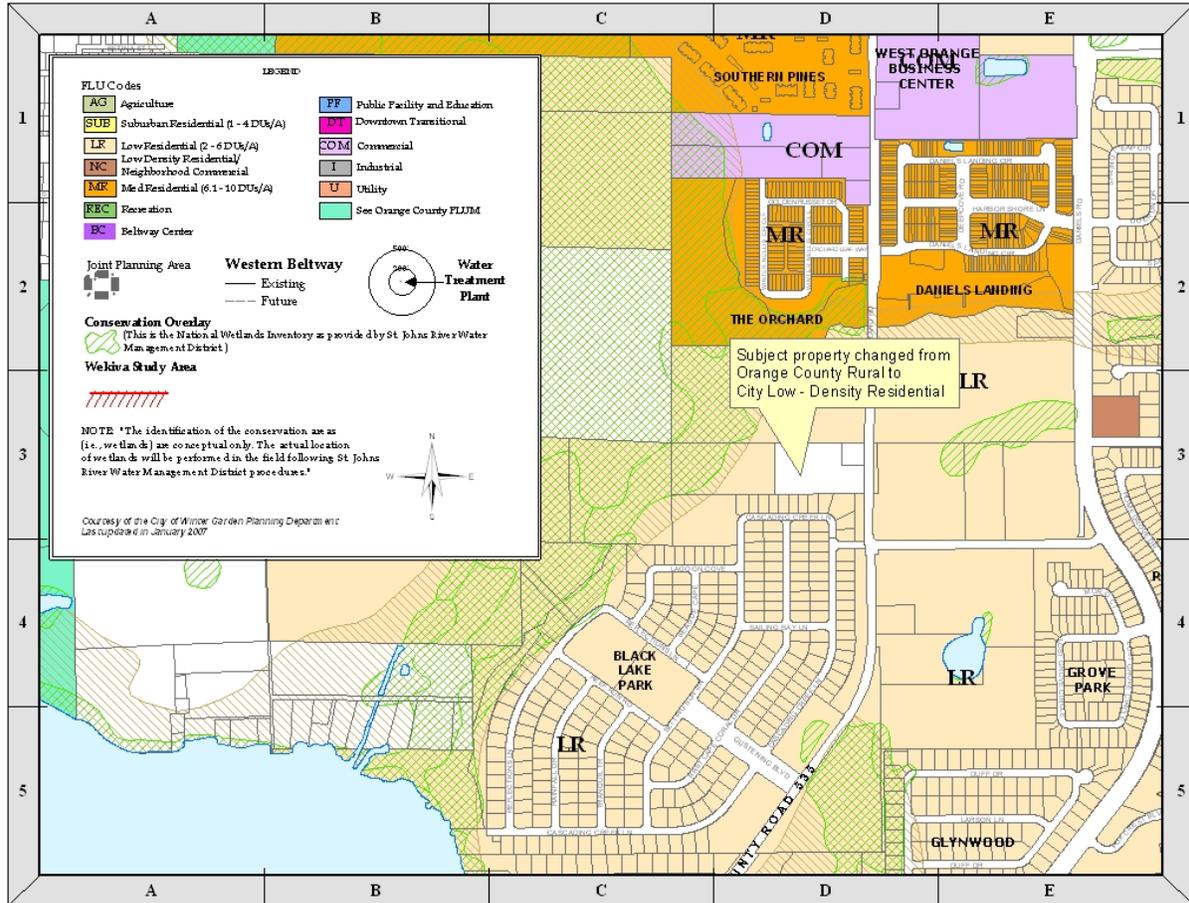
SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (iv) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,

or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

Exhibit "A"



RESOLUTION 07-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA DESIGNATING THE CITY MANAGER AND THE CITY'S ECONOMIC DEVELOPMENT DIRECTOR AS THE OFFICIAL REPRESENTATIVES OF THE CITY OF WINTER GARDEN AUTHORIZED TO RECEIVE AND DISTRIBUTE CONFIDENTIAL INFORMATION PURSUANT TO THE SECTION 288.075, FLORIDA STATUTES, RELATING TO PLANS, INTENTIONS OR INTERESTS OF A PRIVATE CORPORATION, PARTNERSHIP OR PERSON TO LOCATE, RELOCATE OR EXPAND ANY OF ITS BUSINESS ACTIVITIES IN THE STATE OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 288.075, Florida Statutes, provides that upon written request from a private corporation, partnership or person, records of an economic development agency which contain or would provide information concerning plans, intentions or interests of such private corporation, partnership or person to locate, relocate or expand any of its business activities in this state are confidential and exempt from s.119.07(1) and s.24(a), Art. I of the State Constitution; and

WHEREAS, the Legislature has determined that the disclosure of information while a business is still considering its site selection options could jeopardize a viable economic development project, as well as injure the business in the marketplace, and that the harm that would result from the release of sensitive business information or from the impairment of the effective administration of the state and local economic development efforts far outweighs the public benefit derived from release of such information. Furthermore, disclosure of financing records during negotiations between private and public entities would discourage economic development in general, and have a negative impact on increasing the number of high-technology, research and development or high-paying jobs in the state; and

WHEREAS, an economic development agency within the scope of the statute is defined to include public economic development agency of a municipality; and

WHEREAS, in 2006, the City created an Economic Development division, which is an economic development agency within the scope of the statute; and

WHEREAS, the City Commission has deemed approval of this Resolution to be in the best interest of the residents and citizens of the City of Winter Garden.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA that:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified.

Section 2. Authority. This Resolution is adopted pursuant to the City of Winter Garden Charter and other applicable provisions of law.

Section 3. Appointments. The City Commission hereby designates the City Manager and the City's Economic Development Director as the official representatives of the City of Winter Garden authorized to receive and distribute confidential information pursuant to Section 288.075, Florida Statutes, relating to plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in the State of Florida, as specifically authorizes him/her to sign any request of confidentiality agreement consistent with the provision of Section 288.075, Florida Statutes.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND RESOLVED THIS _____ DAY OF _____, 2007.

BY: _____
Jack Quesinberry, Mayor/Commissioner

ATTEST:

BY: _____
Kathy Golden, City Clerk

RESOLUTION 07-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA TO THE FLORIDA DEPARTMENT OF TRANSPORTATION REQUESTING TRANSFER OF A PORTION OF SR 438/PLANT STREET FROM SR 537/DILLARD STREET TO SR 429 FROM THE STATE HIGHWAY SYSTEM TO THE CITY ROADWAY SYSTEM; PROVIDING TRANSFER; PROVIDING AUTHORIZATIONS; PROVIDING WAIVER OF HEARING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, SR 438 between SR 537 and SR 429 is currently a state road; and
WHEREAS, the City of Winter Garden, Florida has planned improvements within these limits; and

WHEREAS, the City of Winter Garden would receive more design flexibility and control over said state road since permitting and review by the Florida Department of Transportation would not be required; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA that:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified.

Section 2. Request Transfer. The City of Winter Garden requests jurisdiction of SR 438 between SR 537 and SR 429 be transferred from the State Highway System to the City Roadway System.

Section 3. Authorizations. The City authorizes the execution of the Roadway Transfer Agreement and recognizes and accepts the terms and conditions found therein. The City of Winter Garden authorizes Mayor Jack Quesinberry to sign the Transfer Agreement.

Section 4. Waiver of Hearing. The City of Winter Garden waives all rights to a hearing regarding this proposed transfer.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND RESOLVED THIS _____ DAY OF _____, 2007.

BY: _____
Jack Quesinberry, Mayor/Commissioner

ATTEST:

BY: _____
Kathy Golden, City Clerk